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23 *Counsel for Defendants*

24 **UNITED STATES DISTRICT COURT**  
 25 **DISTRICT OF NEVADA**

26 UNITED STATES ex rel. CMB  
 27 EXPORT, LLC, a Texas limited  
 28 liability company,

29 Plaintiff,

30 vs.

31 TONOPAH SOLAR ENERGY, LLC, a  
 32 Nevada limited liability company,  
 33 COBRA ENERGY INVESTMENT,  
 34 LLC, a Delaware limited liability  
 35 company, COBRA ENERGY  
 36 INVESTMENT FINANCE, INC., a  
 37 Delaware corporation, COBRA  
 38 INDUSTRIAL SERVICES, INC., a  
 39 Delaware corporation, COBRA  
 40 THERMOSOLAR PLANTS, INC, a  
 41 Nevada corporation, COBRA  
 42 INSTALACIONES Y SERVICIOS  
 43 S.A., a Spanish corporation, ACS  
 44 SERVICIOS COMUNICACIONES Y  
 45 ENERGIA, S.L., a Spanish corporation,  
 46 COBRA CONCESIONES, S.L., and  
 47 DOES 1 through 50, inclusive,

48 Defendants.

49 Case No. 2:20-cv-00196-JCM-MDC

50 **STIPULATION TO EXTEND**  
 51 **TIME FOR DEFENDANTS TO**  
 52 **RESPOND TO SECOND**  
 53 **AMENDED COMPLAINT**

54 **(Second Request)**

1           **WHEREAS**, CMB Export LLC (“Plaintiff”) filed its initial complaint in this  
 2 action on January 29, 2020 (*See* ECF No. 1);

3           **WHEREAS**, Plaintiff filed a First Amended Complaint on September 9, 2020  
 4 (*See* ECF No. 9);

5           **WHEREAS**, the United States of America filed a Declination of Intervention  
 6 on June 1, 2023 (*See* ECF No. 24);

7           **WHEREAS**, on January 4, 2024, the United States of America served on  
 8 Plaintiff the Court’s order on the United States of America’s Declination of  
 9 Intervention (*See* ECF No. 27);

10          **WHEREAS**, the Court granted the United States’ motion to unseal the case  
 11 on January 24, 2024 (*See* ECF No. 30);

12          **WHEREAS**, Plaintiff filed a Second Amended Complaint on April 19, 2024  
 13 against Defendants Tonopah Solar Energy, LLC, Cobra Energy Investment, LLC,  
 14 Cobra Energy Investment Finance, Inc., Cobra Industrial Services, Inc., Cobra  
 15 Thermosolar Plants, Inc., Cobra Instalaciones y Servicios S.A., ACS Servicios  
 16 Comunicaciones y Energia, S.L., and Cobra Concesiones, S.L. (collectively,  
 17 “Defendants”) (*See* ECF No. 39);

18          **WHEREAS**, on May 24, 2024, Plaintiff served the Second Amended  
 19 Complaint on Defendants Tonopah Solar Energy, LLC, Cobra Energy Investment,  
 20 LLC, Cobra Energy Investment Finance, Inc., Cobra Industrial Services, Inc., and  
 21 Cobra Thermosolar Plants, Inc. (*See* ECF Nos. 50–54);

22          **WHEREAS**, on June 18, 2024, the Court granted the parties’ joint Stipulation  
 23 to Accept Service and Extend Time for Defendants to Respond to Second Amended  
 24 Complaint, thereby setting Defendants’ time to respond to the Second Amended  
 25 Complaint as November 8, 2024 (*See* ECF No. 56);

26          **WHEREAS**, on November 7, 2024, the United States of America filed a  
 27 Notice of Intervention and Motion to Dismiss Pursuant to 31 U.S.C. §§ 3730(c)(3)  
 28 and 3730(c)(2)(A) (the “Government Motion”) (*See* ECF No. 61);

1       **WHEREAS**, in light of the Government Motion, Plaintiff and Defendants  
2 have agreed to a further continuance of Defendants' time to respond to the Second  
3 Amended Complaint to conserve resources of the Court, Plaintiff, and Defendants;

4

5       **IT IS HEREBY STIPULATED AND AGREED**, by and between the  
6 undersigned counsel for Plaintiff and Defendants that:

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- 8       • The current deadline for the Defendants who have been served to file an  
9       answer or motion in response to the Second Amended Complaint—November  
10       8, 2024—is vacated;
- 11       • All Defendants will file an answer or motion in response to the Second  
12       Amended Complaint within 30 days of the Court's resolution of the  
13       Government Motion, in the event the Government Motion does not result in  
14       dismissal of the case;
- 15       • Defendants agree to waive any challenge as to the sufficiency of Plaintiff's  
16       service of the summons and complaint. This waiver as to the sufficiency of  
17       service shall not be construed to extend to any other potential defense or  
18       objection, including but not limited to objections to personal jurisdiction or to  
19       venue. All other defenses are expressly preserved and may be asserted by any  
20       defendant in either its forthcoming answer or motion(s).

21       This is the Parties' second request for an extension of time to respond to the  
22       Second Amended Complaint and is made before the expiration of any deadline to  
23       answer or otherwise respond to the Second Amended Complaint by any Defendant.  
24       The requested extension is made in good faith and is not for purposes of delay.

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27  
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1 DATED: November 8, 2024.

2

3 LEWIS BRISBOIS BISGAARD & SMITH LLP

4

5 By: /s/ John S. Poulos

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26 *Counsel for Defendants*

27 IT IS SO ORDERED.

28   
United States Magistrate Judge

Dated: 11/12/2024